

# EXHIBIT “D”

**From:** Lex R. Smith  
**To:** Temp 26th Floor - 2;  
**CC:**  
**Subject:** FW: Judgment Debtor Exam  
**Date:** Friday, June 15, 2007 11:42:34 AM  
**Attachments:**

---

---

**From:** Timothy J. Hogan [mailto:tjh@loio.com]  
**Sent:** Thursday, June 14, 2007 7:35 AM  
**To:** Lex R. Smith  
**Subject:** RE: Judgment Debtor Exam

Lex

I presume you are aware, to properly serve an order for judgment debtor exam, you are required to make personal service on the judgment debtor. Other documents may be served properly via the court system. I trust this answers your question.

On another matter, has C&S received notice from the PCT to return all of Mr. Berry's works, including the works that Dillon claims to have created from scratch in July and August 2003? I'd be happy to discuss the logistics of the turnover with you at your convenience.

Tim

---

Timothy J. Hogan  
Lynch Ichida Thompson Kim & Hirota  
1132 Bishop Street, Suite 1405  
Honolulu, Hawaii 96813  
Tel. (808) 528-0100  
Fax. (808) 528-4997

Email [tjh@loio.com](mailto:tjh@loio.com)

NOTICE: This email is only for use by the intended recipient. If received in error any use, disclosure or copying is prohibited. Any inadvertent receipt shall not be a waiver of any privilege or work product protection. Please contact the sender at [tjh@loio.com](mailto:tjh@loio.com) or at (808) 528-0100.

---

**From:** Lex R. Smith [<mailto:lsmith@ksqlaw.com>]  
**Sent:** Wednesday, June 13, 2007 3:28 PM  
**To:** Timothy J. Hogan  
**Subject:** Judgment Debtor Exam

Dear Tim,

I understand that you told the sheriff you are no longer authorized to receive service on behalf of Wayne Berry.

Can you please confirm if this is correct.

Lex